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<b>L.I., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 21-1396</b>
	)	<b>Issued: April 21, 2022</b>
<b>U.S. POSTAL SERVICE, POST OFFICE,</b>	)	
<b>Houston, TX, Employer</b>	)	
	)	

*Alan J. Shapiro, Esq.*, for the appellant<sup>1</sup>  
*Office of Solicitor*, for the Director

## ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge

On September 23, 2021 appellant, through counsel, filed a timely appeal from an August 12, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 21-1396.

On February 22, 2021 appellant, then a 31-year-old mail processing clerk, filed an occupational disease claim (Form CA-2) alleging that she developed de Quervain's tenosynovitis, fluid in the second extensor compartment, and trace fluid in the distal radial ulnar joint of the right wrist due to factors of her federal employment, including repetitive lifting, pushing, and pulling of heavy containers. She further noted that a prior right wrist injury had not properly healed.<sup>2</sup>

<sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

<sup>2</sup> On June 18, 2019 appellant filed a Form CA-2 alleging right wrist tendinitis beginning March 20, 2019 due to repetitive lifting of heavy trays, which was denied under OWCP File No. xxxxxx212. She also previously filed traumatic injury claims (Form CA-1) alleging March 20, 2019 employment injury to her right wrist under OWCP File Nos. xxxxxx755 and xxxxxx890, which OWCP administratively closed. Appellant's claims have not been administratively combined.

Appellant noted that she first became aware of her condition and realized its relationship to her federal employment on January 26, 2021. She stopped work on January 26, 2021.

By decision dated April 6, 2021, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with her accepted employment factors. Consequently, it found that she had not met the requirements to establish an injury as defined by FECA.

On April 23, 2021 appellant requested reconsideration of the April 6, 2021 decision.

By decision dated May 12, 2021, OWCP modified its prior decision, finding that appellant had established the factual portion of her claim. However, the claim remained denied, finding that the medical evidence of record was insufficient to establish causal relationship between the diagnosed medical conditions and the accepted factors of her federal employment.

On May 14, 2021 appellant requested reconsideration.

By decision dated August 12, 2021, OWCP affirmed its May 12, 2021 decision.

The Board has duly considered this matter and concludes that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.<sup>3</sup> For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>4</sup> Herein, appellant's claims under OWCP File Nos. xxxxxx212, xxxxxx755, and xxxxxx890 also involved alleged injuries to the right wrist while in the performance of duty, which is at issue in the present claim under OWCP File No. xxxxxx643. For a full and fair adjudication, this case shall be returned to OWCP to administratively combine the current case record with OWCP File Nos xxxxxx212, xxxxxx755, and xxxxxx890, so that it can consider all relevant claim files and accompanying evidence in adjudicating appellant's current occupational disease claim.<sup>5</sup>

Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision.

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<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>4</sup> *Id.*; *M.L.*, Docket No. 20-1176 (issued April 29, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

<sup>5</sup> *Supra* note 3 at Chapter 2.400.8(c)(1); *W.D.*, Docket No. 19-0961 (issued March 31, 2021); *L.P.*, Docket Nos. 18-1558, 18-1568 (issued June 21, 2019).

**IT IS HEREBY ORDERED THAT** the August 12, 2021 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: April 21, 2022  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board